

Chapter Ag 23

PLANT MOVEMENTS; SPECIAL INSPECTIONS

Ag 23.01	Definitions	Ag 23.06	Plant pest detection and control
Ag 23.02	Authorized movement	Ag 23.07	Special inspections
Ag 23.03	Import restrictions	Ag 23.08	Special inspection fees
Ag 23.04	Shipment of plant pests	Ag 23.09	Construction
Ag 23.05	Nursery stock collected from private sources		

Ag 23.01 Definitions. (1) "Department" is the state department of agriculture, trade and consumer protection.

(2) "Plant pest" is any plant pest as defined in s. 93.01 (10), Stats.

(3) "Plants or other materials" includes all plants and plant products, all nursery stock, and any other matter capable of carrying plant pest infestations or transmitting plant diseases.

(4) "Nursery stock" is nursery stock as defined in s. 94.10 (1) (e), Stats.

History: Cr. Register, February, 1965, No. 110, eff. 3-1-65; corrections in (1), (2) and (4) made under s. 13.93 (2m) (b) 6 and 7, Stats., Register, December, 1985, No. 360.

Ag 23.02 Authorized movement. (1) Except as otherwise prohibited by law or rules or by the terms of any notice or order issued by the department, plants or other materials may be moved from any premises, subject at all times to inspection by the department.

(2) The department shall impose plant quarantines and other restrictions on the movement of plants or other materials whenever a serious plant pest hazard is evidenced. Any movement of a specific plant species shall be prohibited when affected with a serious pest infestation.

History: Cr. Register, February, 1965, No. 110, eff. 3-1-65.

Ag 23.03 Import restrictions. (1) Nursery stock may not be imported or brought into this state from any other state, territory or foreign country without a permit from the department unless it has been inspected by plant inspection authorities of the state, territory or country of origin, or federal plant inspection authorities, and a certificate of inspection issued certifying that such nursery stock was inspected and no evidence of plant disease or plant pest infestation was found. All permits or certificates of inspection shall be securely attached to or accompany nursery stock being shipped or brought into this state.

(2) Applications for a permit to import uninspected nursery stock shall be made to the department in writing. The department may require prior inspection as a condition of entry or deny the application if in its judgment a serious plant pest hazard exists. The department shall grant or deny a permit application within 20 business days after the application is filed with the department, provided that the request is accompanied by all requisite information and documentation.

History: Cr. Register, February, 1965, No. 110, eff. 3-1-65; am. (2), Register, December, 1985, No. 360, eff. 1-1-86.

Register, December, 1985, No. 360

Ag 23.04 Shipment of plant pests. (1) Plant pests or other living plant pathogens may not be imported or brought into this state from any other state, territory or foreign country for research purposes or other use without a permit from the department as required by s. 94.03, Stats. Annual permits may be granted to educational institutions and commercial establishments importing plant pests or pathogens on a recurring basis from the same suppliers under such conditions as the department may prescribe.

(2) Applications shall be made on forms prescribed by the department identifying the species or variety of plant pests to be moved, the origin and destination of the shipment, and a statement of intended use. The department shall grant or deny a permit application within 20 business days after the application is filed with the department, provided that the application is accompanied by all requisite information and documentation.

(3) Packages or containers used for shipment shall be constructed and secured in a manner which will prevent the escape of plant pests or any pathogenic organisms or the infection or infestation of plants or other materials during the course of movement. Permits issued by the department shall be securely attached to the outside of each package or container unless shipment is being made under an annual permit in which event the department permit number shall be clearly shown on each package or container.

History: Cr. Register, February, 1965, No. 110, eff. 3-1-65; correction in (1) made under s. 13.93 (2m) (b) 7, Stats., am. (2); Register, December, 1985, No. 360, eff. 11-1-86.

Ag 23.05 Nursery stock collected from private sources. (1) Persons engaged in the business of collecting and selling non-nursery grown nursery stock from the wild or uncultivated state, or from other than officially inspected sources, including other wild plant species as described in s. 29.415, Stats., shall be licensed as a nurseryman or dealer as provided by s. 94.10, Stats. Such nursery stock or plants may not be sold unless inspected by the department either on the premises where grown or on the premises of the nurseryman or dealer after such nursery stock or plants have been assembled. The license application shall include a list of all sources from which such nursery stock will be collected.

(2) Any special inspection of such plants shall be subject to the payment of fees as provided in s. Ag 23.08.

History: Cr. Register, February, 1965, No. 110, eff. 3-1-65; correction in (1) made under s. 13.93 (2m) (b) 7, Stats., Register, December, 1985, No. 360, eff. 1-1-86.

Ag 23.06 Plant pest detection and control. Within available resources, the department shall conduct a continuing program of survey, detection, and public information on plant pests and the movement of plants or other materials to prevent the spread of plant diseases and plant pest infestations in this state.

History: Cr. Register, February, 1965, No. 110, eff. 3-1-65.

Ag 23.07 Special inspections. (1) Persons requiring special inspection and certification of nursery stock, plants, plant products or other materials as to freedom from infestation or infection with plant pests or for purposes of interstate or international sale or movement or for any other purpose, may make application to the department for such services pursuant to s. 94.03, Stats. Register, December, 1985, No. 360

suant to s. 93.06 (1m), Stats., subject to the payment of fees as prescribed in s. 94.11, Stats., and s. Ag 23.08.

(2) Except where immediate inspection is required, all requests for special inspections and certification shall be submitted to the department at least 10 days in advance of the requested inspection date on forms prescribed by the department. Application shall specify the purpose or purposes for which inspection is required.

(3) Inspections initiated by the department for investigational or enforcement purposes are not special inspections for which a fee payment is required under s. Ag 23.08. Inspections made at the request of any nurseryman or dealer for special certification are special inspections for which a fee payment is required.

History: Cr. Register, February, 1965, No. 110, eff. 3-1-65; am. (1) and (3), Register, July, 1982, No. 319, eff. 8-1-82; reprinted to correct error in (3), Register, August, 1982, No. 320.

Ag 23.08 Special inspection fees. (1) Fees for any special inspection and certification under s. Ag 23.07 shall be \$12 for each hour or major fraction thereof, including inspection time and travel time to and from the place of inspection. Additional charges shall be assessed to cover actual expenses for vehicle mileage, meals and lodging made necessary by the inspection.

(2) In addition to any other fees under this section, there shall be a processing fee of \$5 for each phytosanitary certificate or plant health certificate issued by the department pursuant to s. Ag 23.07.

(3) Wherever possible, special inspections shall be integrated with other routine or regularly scheduled inspections at the convenience of the department.

(4) Inspection fees are payable to the department and collectible by court action as a claim of the state. Delinquent payments shall be grounds for cancellation of further inspection service and certification.

History: Cr. Register, February, 1965, No. 110, eff. 3-1-65; am. (1), Register, September, 1975, No. 237, eff. 10-1-75; am. Register, July, 1982, No. 319, eff. 8-1-82.

Ag 23.09 Construction. Nothing in this chapter shall be construed to authorize the movement of plants or other materials contrary to any other statute, ordinance, rule, or order of the department.

History: Cr. Register, February, 1965, No. 110, eff. 3-1-65.